



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,988	07/24/2003	Charles S. Hacquebord	H00177000	1705

21127 7590 06/20/2005

KUDIRKA & JOBSE, LLP
ONE STATE STREET
SUITE 800
BOSTON, MA 02109

EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
----------	--------------

3752

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,988

Applicant(s)

HACQUEBORD, CHARLES S.

Examiner

Davis D. Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans.

Evans shows an apparatus comprising an elongate delivery tube 14 having a lumen extending therethrough and having a first end and a second end connectable to a source of high pressurized fluid to allow fluid communication with the delivery tube lumen, a nozzle 16 operatively coupled to the first end of the delivery tube, the nozzle having at least one orifice in fluid communication with the delivery tube lumen, and means for positioning the nozzle in the required location, the means comprising an elongate guide tube 12 having a lumen extending therethrough and wherein the elongate delivery tube 14 is disposed within the lumen of the guide tube 12. The elongate guide tube extends along a main axis and has a distal portion with a bend radius that deviates from the main axis of the guide tube by an off axis angle as recited in claims 3 and 4. The apparatus of Evans further comprises an adapter mechanism 19 having a lumen extending therethrough, the adapter 18 operatively coupled to the elongate delivery tube as recited wherein the adapter 18 is coupled intermediate the elongate delivery tube 14 and the nozzle as recited in claims 6 and 10 (see Figure 2).

Art Unit: 3752

Regarding claim 11, part 19 is a section of delivery tube 14 and the adapter 18 is coupled intermediate the elongate delivery tube sections.

3. Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Proctor et al.

Proctor et al. show a method as recited comprising providing a high pressure lancing apparatus having an elongate delivery tube 130 as recited, a nozzle as recited, and means for positioning the nozzle which include an elongate guide tube (or elongate positioning member as labeled in claim 17) 128 having a lumen in which the elongate delivery tube is disposed. The device of Proctor et al. carries out all of the recited method steps.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Kobayashi et al.

Kobayashi et al. teach an apparatus for removal contaminants from remote surfaces comprising an elongate guide tube 44 having injections nozzles 47 and 48 operatively coupled to an elongate delivery tube and sensors 53 beside the nozzles to determine if the apparatus is in the proper location to commence a cleaning operation. It would have been obvious to one having ordinary skill in the art at the time the invention was

Art Unit: 3752

made to have modified the device of Evans by incorporating a sensor at the distal end of the elongate guide tube as taught by Kobayashi et al. to determine if the apparatus is in the proper location before commencing a cleaning operation.

6. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor et al. in view of Kobayashi et al.

Kobayashi et al. teach an apparatus for removal contaminants from remote surfaces comprising an elongate guide tube 44 having injections nozzles 47 and 48 operatively coupled to a elongate delivery tube and sensors 53 beside the nozzles to determine if the apparatus is in the proper location to commence a cleaning operation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Proctor et al. by providing a plurality of nozzles and incorporating a sensor at the distal end of the elongate guide tube as taught by Kobayashi et al. to determine if the apparatus is in the proper location before commencing a cleaning operation.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proctor et al.

Regarding the nozzle having a plurality of orifices, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Gobbel is pertinent to Applicant's invention.

Art Unit: 3752

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Davis Hwu

DAVIS HWU
PRIMARY EXAMINER